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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,167	05/31/2001	John Alexander	EMB1Z001	9135
28875	7590	05/27/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,167

Applicant(s)

ALEXANDER ET AL.

Examiner

CHAMELI C. DAS

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is in response to the amendment filed on 1/5/05.
2. Claims 1, 15, 18 and 19 have been amended.
3. Claim 17 has been canceled.
4. Claim 20 has been added.
5. Claims 1-20 have been rejected.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwong et al (Kwong), US 6,289,506.

***As per amended claim 1, Kwong discloses:***

- a platform-independent application applicable ... including  
programmable logic hardware devices (col 5, lines 13-25) and “Java  
platform sits on top of many other platforms, including Microsoft  
Windows, Macintosh, OS/2, UNIX, and NetWare” (col 5 lines 3-5) and  
Java Virtual Machine can be implemented in hardware (col 5, lines 13-

14), in col 6 lines 5-20, clearly shows that porting Interface lies between JAVA VM and other different types of operating systems including hardware (see Fig 2) , those hardware are controlled by the operating system (col 6 lines 31-32), clearly indicates that the hardware devices are programmable logic hardware device as claimed.

- a platform independent ... programmable platform (col 6, lines 7-11)
- a platform-dependent ... platform (col 6, lines 7-11).

***As per claim 20, Kwong discloses:***

- a platform-independent application applicable ... including programmable logic hardware devices (col 5, lines 13-25) and "Java platform sits on top of many other platforms, including Microsoft Windows, Macintosh, OS/2, UNIX, and NetWare" (col 5 lines 3-5) and Java Virtual Machine can be implemented in hardware (col 5, lines 13-14), in col 6 lines 5-20, clearly shows that porting Interface lies between JAVA VM and other different types of operating systems including hardware (see Fig 2) , those hardware are controlled by the operating system (col 6 lines 31-32), clearly indicates that the hardware devices are programmable logic hardware device as claimed.

- logic situated, at least in part, on a predetermined programmable platform ... programmable platforms (col 6 lines 1-40)
- platform-dependent components ... programmable platform (col 6 lines 1-40).

7. ***For the rest of the claims see the rejection of previous office action including the above rejection.***

***Response to Arguments***

8. Applicant's arguments filed on 1/24/05 have been fully considered but they are not persuasive.

In the remarks, the applicant has argued in substance:

(1) ***Kwong does not disclose "programmable platforms including programmable logic hardware devices".***

***Response:***

Kwong discloses above limitations. Kwong discloses the ability of allowing an application to be integrated with any one of a plurality of distinct types of programmable platforms including programmable logic hardware devices in column 5 lines 3-50 and col 6 lines 7-40 and Fig 2. "Java platform sits on top of many other platforms, including Microsoft Windows, Macintosh, OS/2, UNIX, and NetWare" (col 5 lines 3-5) and Java Virtual Machine can be ***implemented in hardware*** (col 5, lines 13-14), in col 6 lines 5-20, clearly shows that porting Interface lies between JAVA VM and other different types of operating systems including hardware (see Fig 2) and ***hardwares are controlled by the operating system*** (col 6 lines 31-32), clearly indicates that the hardware devices are programmable logic hardware device otherwise the operating system cannot able to control these hardware devices.

**(2) Kwong does not disclose “platform-dependent component capable of serving in conjunction with the platform-independent component in interfacing the platform-independent application with the predetermined programmable platform.”**

**Response:**

(2) Kwong discloses the above limitation is col 6 lines 7-22, (“The Porting Interface 214 lies between the Java VM 212 and the operating system (OS) 224, 232, 242, 250 or browser 222. In this embodiment, the Porting Interface 214 **has a platform independent part (Java Base Platform) and a platform dependent part** (adapters 220, 230, 240). The OS 224, 232, 242 and JavaOS 250 provide the window, filing, and network functionality. In FIG. 2, four different types of machines are illustrated. The first machine (Java on a Browser) comprises of adapter 220, browser 222, operating system 224, and hardware 226. A second machine (Java on a desktop OS) comprises of adapter 230, operating system 232, and hardware 234. A similar machine (Java on a smaller OS) includes adapter 240, operating system 242, and hardware 244. Yet another machine (Java on JavaOS) may comprise of JavaOS 250 and hardware 252. These and other different machines can all be connected by a network 260”), this paragraph clearly shows that platform-dependent component capable of serving in conjunction with the platform-independent component in interfacing the platform-independent application with the predetermined programmable platform.

***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**10.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

After October 25, 2004, the examiner can be reached at new telephone number (571) 272-3696, and the examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

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An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

*5/22/05*